

REMARKS

Claims 1-20 are pending in the application.

Claims 1-20 have been rejected.

CLAIM REJECTIONS -- 35 U.S.C. §102

Claims 1-20 were rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art.

The "Background of the Invention" section of the application as filed describes conventional MPEG-2 compression. In particular, it describes the MPEG-2 packetized elementary stream (PES) on page 7, including that the PES includes packet header 405, optional PES header 410, and associated packet data 415. Packet header 405 comprises packet start code prefix 420, stream identifier (ID) 425, and PES packet length indicator 430. All of the fields after PES packet length indicator 430 are optional.

Because the PES includes numerous optional fields, it is in no way a "fixed-size program packet" as described in independent claims 1, 6, 11, and 18. Nothing in the background section of the specification, which the Examiner characterizes as "admitted prior art," describes reformatting PES packets of disparate size into fixed-size program packets, as required by each independent claim.

Applicant would be happy to correct any misunderstanding by the Examiner of the background description, but because the Examiner only referred in general to pages 2-14, and not to

any specific teaching, the undersigned is unable to determine where the Examiner's mistake was made.

Because each independent claim includes limitations not found in any cited art, and not described or in any way "admitted" by the Applicant as prior art, all independent claims and their respective dependent claims should be allowed over all art of record.

All rejections are traversed.

Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Applicant reserves the right to submit further arguments in support of their above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary.

CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.


If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunckbutrus.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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